

REMARKS

At the outset, Applicants thank the Examiner for reviewing and considering the Appeal Brief filed on June 12, 2007. The *Examiner's Answer*, mailed September 24, 2007, has been received and reviewed.

In the *Examiner's Answer*, the Examiner relies upon DE 10053413 (*Geyer*) in place of *Studt*. Applicants note that U.S. Patent Application Publication No. 2004/0050117 (*Geyer*) corresponds to DE 10053413 (*Geyer*) and is in the English language. Applicants have thus reviewed U.S. Patent Application Publication No. 2004/0050117 (*Geyer*) and cited it in an Information Disclosure Statement filed herewith.

In addition, Applicants note that the *Examiner's Answer* contains a new ground of rejection. By filing this response under 37 CFR 1.111, Applicants hereby request that prosecution be reopened before the primary examiner. See MPEP § 1207.03.

Claims 1, 4, 8, 10-12, 19, 20, 24, 27, 37-39 are hereby amended. Claims 9, 15-18, 21-23, 26, 31-36, and 40 are cancelled herein without prejudice to or disclaimer of the subject matter contained therein. Claim 2 was previously cancelled. Accordingly, claims 1, 3-8, 10-14, 19, 20, 24, 25, 27-30, and 37-39 are currently pending. Reconsideration is respectfully requested.

Claims 1, 3, 4, 8, 9, 15, 26-28, and 31 are rejected under 35 U.S.C. § 102(b) as being anticipated by DE 10053413 (hereinafter *Geyer*). *Examiner's Answer* at p. 4. Claims 9, 15, 26, and 31 are cancelled herein, accordingly the rejection of those claims is moot. Applicants respectfully traverse the rejection of the remaining claims.

Independent claim 1 recites, *inter alia*, a door comprising: "an outer door frame having ... a first flange projected backward ..., wherein a top of the first flange projects into the cabinet

less than a bottom of the first flange such that a rear surface of the first flange forms a slope angle α when viewed from a side;

an inner door frame having a second central opening and a second flange projected from a periphery of the second central opening, wherein a rear surface of the second flange forms the slope angle α when viewed from a side; ...

an inner window fixed to the rear surface of the inner door frame, wherein the inner window is inclined at the slope angle α when viewed from a side; and

a gasket fixed to the rear surface of the inner door frame, ... wherein the second frame and the gasket are hidden from view from an outside of the cabinet by the first flange...,” as recited in independent claim 1.

Geyer fails to disclose at least these features, as recited. Rather, *Geyer* discloses a porthole door 2 having a hinged frame 4 consisting of a supporting ring 6 and a retaining ring 8. See *Geyer* at Abstract of DE 10053413. As illustrated in Figure 2, *Geyer* discloses a hinged frame 4 in which the rear surface is not inclined. Moreover, *assuming arguendo* that *Geyer's* reference number 5 could be construed as the claimed “inner window,” *Geyer* fails to disclose “the inner window is inclined at the slope angle α when viewed from a side,” as claimed in independent claim 1. Furthermore, *assuming arguendo* that *Geyer's* thrust ring 12 could be construed as a “first flange,” *Geyer* fails to disclose “a gasket fixed to the rear surface of the inner door frame, wherein the gasket is adapted to prevent leakage of air from an inside to an outside of the cabinet and wherein the second frame and the gasket are hidden from view from an outside of the cabinet by the first flange,” as recited in independent claim 1. In the first place, *Geyer* utterly fails to disclose an “inner door frame,” as recited. Moreover, *Geyer's* gasket, which is unnumbered but is well illustrated in FIG. 2 as a curved structure surrounding

inspection glass 5, is clearly viewable from the outside of *Geyer's* cabinet. Additionally, Applicants submit that *Geyer's* frame 4 and supporting ring 6 cannot possibly be construed as the claimed inner frame at least since these portions are not covered from external view by a first flange. Rather, the supporting ring 6, frame 4, and gasket (no ref. no.) are exposed and viewable from outside. Accordingly, Applicants respectfully submit that claim 1 is patentable over *Geyer* and request that the rejection be withdrawn. Likewise, claims 3, 4, 8, 27, and 28, which depend directly or indirectly from claim 1, are also patentable for at least the same reasons as discussed above.

Claims 6-7, 29-30, and 38-40 are rejected under 35 U.S.C. §103(a) as being unpatentable over *Geyer*. *Examiner's Answer* at p. 5. Claims 29-30 and 40 are cancelled herein, accordingly the rejection of those claims is moot. Applicants respectfully traverse the rejection of the remaining claims.

As required in Chapter 2143.03 of the M.P.E.P., in order to establish *prima facie* obviousness of the claimed invention, all the limitations must be taught or suggested by the prior art. Applicants respectfully submit that *Geyer* fails to teach or suggest each and every element recited in the claims.

In this regard, Applicants respectfully submit that independent claim 1 is patentable over *Geyer* for at least each of the reasons discussed above. At least those elements of independent claim 1 disclosed above, which *Geyer* fails to disclose, are similarly recited in independent claim 38. Accordingly, Applicants respectfully submit that claims 6-7, 29-30, which depend either directly or indirectly from independent claim 1 are patentable over *Geyer*. Likewise, claim 39, which depends from allowable independent claim 38 is also patentable for at least the same

reasons as discussed above. Accordingly, Applicants respectfully request that the 35 U.S.C. §103(a) rejection of these claims be withdrawn.

Claims 1, 3-9, 12, 13, 15-30, 34, 35, and 37-40, in addition to previously rejected claims 5, 16-25, and 37 are rejected under 35 U.S.C. §103(a) as being unpatentable over *Geyer* in view of U.S. Patent No. 5,799,647 (hereinafter *Mills*). *Examiner's Answer* at p. 3 (new grounds of rejection) & p. 6. Claims 9, 15-18, 21-23, and 40 are cancelled herein, accordingly the rejection of those claims is moot. Applicants respectfully traverse the rejection of the remaining claims.

As previously discussed, *Geyer* fails to disclose each and every feature recited in independent claims 1 and 38, the independent claim from which claims 3-8, 12, 13, 19, 20, 24, 25-30, 37, and 39 directly or indirectly depend. Applicants further submit that *Mills* fails to cure the shortcomings of *Geyer*. In fact, *Mills* is only relied upon for its purported showing of “a door having a pair of rectangular window panels held in spaced parallel relation by a frame.” See *Examiner's Answer* at page 6. Further, even if one skilled in the art modified *Geyer* in view of *Mills*, as suggested, the resulting modification would still fail to teach each and every feature of independent claim 1. Therefore, Applicants respectfully request withdrawal of the 35 U.S.C. §103(a) rejection over *Geyer* in view of *Mills*.

Claims 10-13 and 32-35 are rejected under 35 U.S.C. §103(a) as being unpatentable over *Geyer* and *Mills* and in further view of EP 0851177 (hereinafter *Faccoli*). *Examiner's Answer* at p. 3 (new grounds of rejection) & p. 8. Claims 32-35 are cancelled herein, accordingly the rejection of those claims is moot. Applicants respectfully traverse the rejection of the remaining claims.

As aforementioned, *Geyer* and *Mills*, taken singularly or in combination, fail to disclose or suggest each and every feature recited in claim 1. *Faccoli* fails to cure the shortcomings of *Geyer* and *Mills*. In fact, *Faccoli* is only relied upon for its purported showing of “an elastomer sealing gasket” See *Examiner's Answer* at page 9. Further, even if one skilled in the art modified *Geyer* in view of *Mill* and *Faccoli*, as suggested, the resulting modification would still fail to teach each and every feature of independent claim 1, which is the base claim from which claims 10-13 respectively depend upon. Therefore, Applicants submit that claims 10-13 are patentable over these cited references and request that the 35 U.S.C. § 103(a) rejection over *Geyer* and *Mills* and in further view of *Faccoli* be withdrawn.

Claims 14 and 36 are rejected under 35 U.S.C. § 103(a) as being unpatentable over *Geyer* and *Mills* and in further view of U.S. Patent No. 6,109,277 (hereinafter *Linton*). Examiner's Answer at p. 3 (new grounds of rejection). Claims 14 and 36 are cancelled herein, accordingly the rejection of those claims is moot and should be withdrawn.

Claim 31 is rejected under 35 U.S.C. § 103(a) as being unpatentable over *Geyer* and *Mills* and in further view of U.S. Patent No. 3,223,276 (hereinafter *Gebhardt*). Examiner's Answer at p. 3 (new grounds of rejection). Claim 31 is cancelled herein, accordingly the rejection of that claim is moot and should be withdrawn.

Claims 32 and 33 are rejected under 35 U.S.C. § 103(a) as being unpatentable over *Geyer*, *Mills*, and *Faccoli*, and in further view of *Gebhardt*. Examiner's Answer at p. 3 (new grounds of rejection). Claims 32 and 33 are cancelled herein, accordingly the rejection of those claims is moot and should be withdrawn.

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Reply to *Examiner's Answer* of September 24, 2007

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The application is in a condition for allowance and favorable action is respectfully solicited. If for any reason the Examiner believes a conversation with the Applicants' representative would facilitate the prosecution of this application, the Examiner is encouraged to contact the undersigned attorney at (202) 496-7500. All correspondence should continue to be sent to the below-listed address.

If these papers are not considered timely filed by the Patent and Trademark Office, then a petition is hereby made under 37 C.F.R. §1.136, and any additional fees required under 37 C.F.R. §1.136 for any necessary extension of time, or any other fees required to complete the filing of this response, may be charged to Deposit Account No. 50-0911. Please credit any overpayment to deposit Account No. 50-0911. A duplicate copy of this sheet is enclosed.

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